

FILED MAR 06 2006

SENATE FILE **2357**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3103)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judicial branch including the assessment
2 of court fees and costs.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SE 2357

1 Section 1. Section 321.20B, subsection 4, paragraph a,
2 subparagraph (2), Code 2005, is amended to read as follows:

3 (2) Issue a citation to the driver. ~~If a citation is~~
4 ~~issued, the citation shall be issued under this subparagraph~~
5 ~~unless the driver has been previously charged and cited for a~~
6 ~~violation of subsection 1. A citation which is issued and~~
7 ~~subsequently dismissed shall be disregarded for purposes of~~
8 ~~determining if the driver has been previously charged and~~
9 ~~cited.~~

10 Sec. 2. Section 321.20B, subsection 4, paragraph c, Code
11 2005, is amended to read as follows:

12 c. An owner or driver cited for a violation of subsection
13 1, who produces to the clerk of court prior to the date of the
14 ~~individual's~~ person's court appearance as indicated on the
15 citation proof that financial liability coverage was in effect
16 for the motor vehicle at the time the person was stopped and
17 cited, shall not be convicted of such violation and the
18 citation issued shall be dismissed by the court. Upon
19 dismissal, the court or clerk of court shall assess the costs
20 of the action against the defendant named on the citation.

21 Sec. 3. Section 321.20B, subsection 5, paragraph b, Code
22 2005, is amended to read as follows:

23 b. Issue a citation. An owner or driver who produces to
24 the clerk of court prior to the date of the ~~individual's~~
25 person's court appearance as indicated on the citation proof
26 that the financial liability coverage was in effect for the
27 motor vehicle at the time the person was stopped and cited, or
28 if the driver is not the owner of the motor vehicle, proof
29 that liability coverage was in effect for the driver with
30 respect to the motor vehicle being driven at the time the
31 driver was stopped and cited in the same manner as if the
32 motor vehicle were owned by the driver, shall be given a
33 receipt indicating that proof was provided, and the citation
34 issued shall be dismissed by the court. Upon dismissal, the
35 court or clerk of court shall assess the costs of the action

1 against the defendant named on the citation.

2 Sec. 4. Section 321.174, subsection 3, Code 2005, is
3 amended to read as follows:

4 3. A licensee shall have the licensee's driver's license
5 in immediate possession at all times when operating a motor
6 vehicle and shall display the same, upon demand of a judicial
7 magistrate, district associate judge, district judge, peace
8 officer, or examiner of the department. However, a person
9 charged with violating this subsection shall not be convicted
10 and the citation shall be dismissed by the court if the person
11 produces to the clerk of the district court, prior to the
12 licensee's court date indicated on the citation, a driver's
13 license issued to that person and valid for the vehicle
14 operated at the time of the person's arrest or at the time the
15 person was charged with a violation of this section. Upon
16 dismissal, the court or clerk of court shall assess the costs
17 of the action against the defendant named on the citation.

18 Sec. 5. Section 327B.1, subsection 7, Code Supplement
19 2005, is amended by striking the subsection and inserting in
20 lieu thereof the following:

21 7. A motor carrier owner or driver charged with failure to
22 have proper evidence of interstate authority shall not be
23 convicted of such violation and the citation shall be
24 dismissed by the court if the person produces to the clerk of
25 court prior to the date of such person's court appearance as
26 indicated on the citation, proof of interstate authority
27 issued to that person and valid at the time the person was
28 charged with the violation under this section. Upon
29 dismissal, the court or clerk of court shall assess the costs
30 of the action against the defendant named on the citation.

31 Sec. 6. Section 582.4, Code 2005, is amended to read as
32 follows:

33 582.4 LIEN BOOK DOCKET -- FEES.

34 Every clerk of the district court shall, ~~at the expense of~~
35 ~~the county, provide a suitable well-bound book to be called~~

1 the maintain a hospital lien docket in which, upon the filing
2 of any lien claim under the provisions of this chapter, the
3 clerk shall enter the name of the injured person, the date of
4 the accident, and the name of the hospital or other
5 institution making the claim. The clerk shall make a proper
6 index of the same in the name of the injured person and the
7 clerk shall collect a fee ~~of ten dollars~~ in the amount
8 provided for in section 602.8105 for filing each lien claim.

9 Sec. 7. Section 602.1304, subsection 2, paragraph a, Code
10 Supplement 2005, is amended to read as follows:

11 a. The enhanced court collections fund is created in the
12 state treasury under the authority of the supreme court. The
13 fund shall be separate from the general fund of the state and
14 the balance in the fund shall not be considered part of the
15 balance of the general fund of the state. Notwithstanding
16 section 8.33, moneys in the fund shall not revert to the
17 general fund, unless and to the extent the total amount of
18 moneys deposited into the fund in a fiscal year would exceed
19 the maximum annual deposit amount established for the
20 collections fund by the general assembly. The initial maximum
21 annual deposit amount for a fiscal year is ~~four~~ six million
22 dollars. Notwithstanding section 12C.7, subsection 2,
23 interest or earnings on moneys in the collections fund shall
24 remain in the collections fund and any interest and earnings
25 shall be in addition to the maximum annual deposit amount.

26 Sec. 8. Section 602.8105, subsection 1, Code Supplement
27 2005, is amended by adding the following new paragraph:

28 NEW PARAGRAPH. g. For filing and docketing a transcript
29 of the judgment in a civil case, fifty dollars.

30 Sec. 9. Section 602.8105, subsection 2, paragraph b, Code
31 Supplement 2005, is amended to read as follows:

32 b. For filing and entering ~~an agricultural supply dealer's~~
33 ~~lien and~~ any other statutory lien, twenty dollars.

34 Sec. 10. Section 602.8105, Code Supplement 2005, is
35 amended by adding the following new subsection:

1 NEW SUBSECTION. 5. The clerk of the district court shall
2 collect the following fees in connection with probate matters:

3 a. For reports and inventories filed pursuant to section
4 450.22, for filing and docketing a petition for a
5 conservatorship or guardianship pursuant to section 633.27A,
6 for filing and docketing a petition for probate of a will
7 pursuant to section 633.290, for admission of a will to
8 probate without administration of the estate pursuant to
9 section 633.305, for recording a transcript of a record entry
10 of an order admitting a will to probate in a county other than
11 the county in which probate is granted pursuant to section
12 633.306, for filing a petition to set aside the probate of a
13 will pursuant to section 633.308, for admission of a foreign
14 probated will pursuant to section 633.496, and for filing a
15 petition for administration of a small estate pursuant to
16 chapter 635, one hundred dollars.

17 b. In addition to the fee required by paragraph "a", there
18 shall be an additional fee if the value of the personal
19 property and real estate of the decedent or ward who is the
20 subject of a probate matter exceeds twenty-five thousand
21 dollars. The additional fee shall be one dollar for each one
22 thousand dollar increment of value of property in excess of
23 twenty-five thousand dollars. The additional fee is due and
24 payable at the time of filing of the probate inventory or
25 initial report and shall be paid in full for the court to
26 enter an order approving the final report. The additional fee
27 shall not be applied to any property transferred to a
28 testamentary trust from an estate that has been administered
29 in this state and for which court fees have been assessed and
30 paid.

31 c. For certifying a change of title, twenty dollars.

32 Sec. 11. Section 631.6, subsection 1, paragraph c, Code
33 2005, is amended to read as follows:

34 c. Postage charged for the mailing of original notice
35 shall be eight ten dollars.

1 Sec. 12. Section 633.31, Code 2005, is amended to read as
2 follows:

3 633.31 CALENDAR -- FEES IN PROBATE.

4 1. The clerk shall keep a court calendar, and enter
5 thereon such matters as the court may prescribe.

6 2. The clerk shall charge and collect the following fees
7 in connection with probate matters pursuant to section
8 602.8105, which shall be deposited in the account established
9 under section 602.8108.

- 10 a.---For-services-performed-in-short-form
11 probates-pursuant-to-sections-450.22-and-450.44-----\$-15.00
12 b.---For-services-performed-in-probate-of-will
13 without-administration-----\$-15.00
14 c.---For-filing-and-indexing-a-transcript
15 -----\$--5.00
16 d.---For-taking-and-approving-a-bond,or-the
17 sureties-on-a-bond-----\$-20.00
18 e.---For-entering-a-rule-or-order-----\$-10.00
19 f.---For-certificate-and-seal-----\$-10.00
20 g.---For-making-a-complete-record-where-real
21 estate-is-sold-----per-100-words-----\$---20
22 h.---For-making-a-transcript-or-copies-of
23 orders-or-records-filed-in-the-clerk's
24 office-----per-100-words-----\$---50
25 i.---For-certifying-change-of-title-----\$-20.00
26 j.---For-issuing-commission-to-appraisers-----\$--2.00
27 k.---For-other-services-performed-in-the-settlement-of-the
28 estate-of-any-decedent,minor,person-with-mental-illness,or
29 other-persons-laboring-under-legal-disability,except-where
30 actions-are-brought-by-the-administrator,guardian,trustee,
31 or-person-acting-in-a-representative-capacity-or-against-that
32 person,or-as-may-be-otherwise-provided-herein,where-the
33 value-of-the-personal-property-and-real-estate-of-such-a
34 person-falls-within-the-following-indicated-amounts,the-fee
35 opposite-such-amount-shall-be-charged.

1 Up-to-\$3,000.00-----\$--5.00
 2 3,000.00-to--5,000.00-----\$-10.00
 3 5,000.00-to--7,000.00-----\$-15.00
 4 7,000.00-to-10,000.00-----\$-20.00
 5 10,000.00-to-15,000.00-----\$-25.00
 6 15,000.00-to-25,000.00-----\$-30.00
 7 For-each-additional-\$25,000.00-or-major
 8 fraction-thereof-----\$-25.00
 9 1.--For-services-performed-in-small-estate
 10 administration-----\$-15.00
 11 3.--The-fee-set-forth-in-subsection-27-paragraph-"k",-shall
 12 not-be-charged-on-any-property-transferred-to-a-testamentary
 13 trust-from-an-estate-that-has-been-administered-in-this-state
 14 and-for-which-court-costs-have-been-assessed-and-paid.

EXPLANATION

16 This bill relates to the judicial branch, including the
17 assessment of court fees and costs.

18 The bill authorizes the court to assess costs of an action
19 against an owner or driver, including a nonresident driver,
20 who was stopped and cited by a peace officer for failure to
21 provide proof of financial liability coverage but who later
22 produces proof that financial liability coverage was in effect
23 at the time the owner or driver was stopped and cited.

24 The bill provides a procedure for dismissing cases
25 involving the licensure of a motor carrier owner or driver
26 consistent with procedures for dismissing similar licensure
27 violations in Iowa.

28 The bill increases the fee for filing a hospital lien from
29 \$10 to \$20. This fee is consistent with the fees charged for
30 all other statutory liens.

31 The bill increases the maximum annual deposit amount for
32 the enhanced court collections fund from \$4 million to \$6
33 million.

34 The bill creates a \$50 fee for filing and docketing a
35 transcript of the judgment in a civil case.

1 The bill eliminates fees charged for certain probate
2 services associated with small estates, guardianships, and
3 conservatorships and revises filing fees associated with the
4 value of the estate. The clerk of the district court is
5 directed to deposit such fees collected in the account
6 established in Code section 602.8108.

7 The bill increases the amount charged for the mailing of a
8 an original notice in a small claims case from \$8 to \$10.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 2357 - Miscellaneous Court Fees (LSB 5300 SV)

Analyst: Jennifer Acton (Phone: [515] 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

Senate File 2357 relates to the Judicial Branch, including the assessment of court fees and costs including:

- Increasing the fee for hospital liens from \$10 to \$20.
- Increasing the current cap on the Enhanced Court Collections Fund from \$4.0 million to \$6.0 million.
- Creating a new filing fee (\$50 to file and docket a transcript of the judgment in a civil case).
- Reorganizing fees charged for probate matters.
- Increasing the amount charged in mailing an original notice in a small claims case from \$8 to \$10.

Background

The Enhanced Court Technology Fund (Section 602.1304, Code of Iowa) receives up to \$4.0 million per fiscal year based on the Judicial Branch's ability to meet the Revenue Estimating Conference (REC) estimate. The REC estimate is set on the net amount of revenue generated from court fines and fees. If the Judicial Branch's quarterly revenue meets the REC estimate, revenue is distributed by a formula and the remainder is deposited into the General Fund. The Fund is used for technology improvements within the Judicial Branch.

- In FY 2005, hospitals filed 1,693 liens.
- The Enhanced Court Collections Fund is currently capped at \$4.0 million.
- The current amount charged to mail an original notice in a small claims case is \$8. This amount is paid up front as part of the court costs. The \$2 increase would cover the Judicial Branch's average postage costs per case.

Fiscal Impact

Increasing the Enhanced Court Collections Fund cap by \$2.0 million, results in a General Fund decrease of \$2.0 million, as the additional revenue would otherwise be deposited into the General Fund.

The \$10 increase for hospital lien filing fees results in approximately \$17,000 in additional revenue. The revenue impact of the \$50 filing and docketing fee for a transcript of the judgment in a civil case cannot be determined; however, it is anticipated to be minimal. The probate fees and mailing fees in this Bill are revenue neutral.

Source

Judicial Branch

/s/ Holly M. Lyons

March 8, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

Ward co-chair
Fraise co-chair
Boettger
Kreiman

Succeeded By
(SF) / HF 235

SSB# 3103
Judiciary

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judicial branch including the assessment
2 of court fees and costs.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 252A.10, Code 2005, is amended to read
2 as follows:

3 252A.10 COSTS ADVANCED.

4 Actual costs incurred in this state incidental to any
5 action brought under the provisions of this chapter shall be
6 advanced by the initiating party or agency, as appropriate,
7 unless otherwise ordered by the court. Where the action is
8 brought by an agency of the state or county there shall be no
9 filing fee or court costs of any type either advanced by or
10 charged to the state or county. However, if the state
11 prevails in the action, the court or clerk of court shall
12 assess filing fees and court costs against the respondent.

13 Sec. 2. Section 321.20B, subsection 4, paragraph a,
14 subparagraph (2), Code 2005, is amended to read as follows:

15 (2) Issue a citation to the driver. ~~If a citation is~~
16 ~~issued, the citation shall be issued under this subparagraph~~
17 ~~unless the driver has been previously charged and cited for a~~
18 ~~violation of subsection 1. A citation which is issued and~~
19 ~~subsequently dismissed shall be disregarded for purposes of~~
20 ~~determining if the driver has been previously charged and~~
21 ~~cited.~~

22 Sec. 3. Section 321.20B, subsection 4, paragraph c, Code
23 2005, is amended to read as follows:

24 c. An owner or driver cited for a violation of subsection
25 1, who produces to the clerk of court prior to the date of the
26 ~~individual's~~ person's court appearance as indicated on the
27 citation proof that financial liability coverage was in effect
28 for the motor vehicle at the time the person was stopped and
29 cited, shall not be convicted of such violation and the
30 citation issued shall be dismissed by the court. Upon
31 dismissal, the court or clerk of court shall assess the costs
32 of the action against the defendant named on the citation.

33 Sec. 4. Section 321.20B, subsection 5, paragraph b, Code
34 2005, is amended to read as follows:

35 b. Issue a citation. An owner or driver who produces to

1 the clerk of court prior to the date of the individual's
2 person's court appearance as indicated on the citation proof
3 that the financial liability coverage was in effect for the
4 motor vehicle at the time the person was stopped and cited, or
5 if the driver is not the owner of the motor vehicle, proof
6 that liability coverage was in effect for the driver with
7 respect to the motor vehicle being driven at the time the
8 driver was stopped and cited in the same manner as if the
9 motor vehicle were owned by the driver, shall be given a
10 receipt indicating that proof was provided, and the citation
11 issued shall be dismissed by the court. Upon dismissal, the
12 court or clerk of court shall assess the costs of the action
13 against the defendant named on the citation.

14 Sec. 5. Section 321.174, subsection 3, Code 2005, is
15 amended to read as follows:

16 3. A licensee shall have the licensee's driver's license
17 in immediate possession at all times when operating a motor
18 vehicle and shall display the same, upon demand of a judicial
19 magistrate, district associate judge, district judge, peace
20 officer, or examiner of the department. However, a person
21 charged with violating this subsection shall not be convicted
22 and the citation shall be dismissed by the court if the person
23 produces to the clerk of the district court, prior to the
24 licensee's court date indicated on the citation, a driver's
25 license issued to that person and valid for the vehicle
26 operated at the time of the person's arrest or at the time the
27 person was charged with a violation of this section. Upon
28 dismissal, the court or clerk of court shall assess the costs
29 of the action against the defendant named on the citation.

30 Sec. 6. Section 327B.1, subsection 7, Code Supplement
31 2005, is amended by striking the subsection and inserting in
32 lieu thereof the following:

33 7. A motor carrier owner or driver charged with failure to
34 have proper evidence of interstate authority shall not be
35 convicted of such violation and the citation shall be

1 dismissed by the court if the person produces to the clerk of
2 court prior to the date of such person's court appearance as
3 indicated on the citation, proof of interstate authority
4 issued to that person and valid at the time the person was
5 charged with the violation under this section. Upon
6 dismissal, the court or clerk of court shall assess the costs
7 of the action against the defendant named on the citation.

8 Sec. 7. Section 582.4, Code 2005, is amended to read as
9 follows:

10 582.4 LIEN BOOK DOCKET -- FEES.

11 Every clerk of the district court shall ~~at the expense of~~
12 ~~the county, provide a suitable well-bound book to be called~~
13 ~~the~~ maintain a hospital lien docket in which, upon the filing
14 of any lien claim under the provisions of this chapter, the
15 clerk shall enter the name of the injured person, the date of
16 the accident, and the name of the hospital or other
17 institution making the claim. The clerk shall make a proper
18 index of the same in the name of the injured person and the
19 clerk shall collect a fee ~~of ten dollars~~ in the amount
20 provided for in section 602.8105 for filing each lien claim.

21 Sec. 8. Section 602.1304, subsection 2, paragraph a, Code
22 Supplement 2005, is amended to read as follows:

23 a. The enhanced court collections fund is created in the
24 state treasury under the authority of the supreme court. The
25 fund shall be separate from the general fund of the state and
26 the balance in the fund shall not be considered part of the
27 balance of the general fund of the state. Notwithstanding
28 section 8.33, moneys in the fund shall not revert to the
29 general fund, unless and to the extent the total amount of
30 moneys deposited into the fund in a fiscal year would exceed
31 the maximum annual deposit amount established for the
32 collections fund by the general assembly. The initial maximum
33 annual deposit amount for a fiscal year is ~~four~~ six million
34 dollars. Notwithstanding section 12C.7, subsection 2,
35 interest or earnings on moneys in the collections fund shall

1 remain in the collections fund and any interest and earnings
2 shall be in addition to the maximum annual deposit amount.

3 Sec. 9. Section 602.8105, subsection 1, Code Supplement
4 2005, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. g. For filing and docketing a transcript
6 of the judgment in a civil case, fifty dollars.

7 Sec. 10. Section 602.8105, subsection 2, paragraph b, Code
8 Supplement 2005, is amended to read as follows:

9 b. For filing and entering ~~an agricultural-supply-dealer's~~
10 ~~lien-and~~ any other statutory lien, twenty dollars.

11 Sec. 11. Section 602.8105, Code Supplement 2005, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 5. The clerk of the district court shall
14 collect the following fees in connection with probate matters:

15 a. For reports and inventories filed pursuant to section
16 450.22, for filing and docketing a petition for a
17 conservatorship or guardianship pursuant to section 633.27A,
18 for filing and docketing a petition for probate of a will
19 pursuant to section 633.290, for admission of a will to
20 probate without administration of the estate pursuant to
21 section 633.305, for recording a transcript of a record entry
22 of an order admitting a will to probate in a county other than
23 the county in which probate is granted pursuant to section
24 633.306, for filing a petition to set aside the probate of a
25 will pursuant to section 633.308, for admission of a foreign
26 probated will pursuant to section 633.496, and for filing a
27 petition for administration of a small estate pursuant to
28 chapter 635, one hundred dollars.

29 b. In addition to the fee required by paragraph "a", there
30 shall be an additional fee if the value of the personal
31 property and real estate of the decedent or ward who is the
32 subject of a probate matter exceeds twenty-five thousand
33 dollars. The additional fee shall be one dollar for each one
34 thousand dollar increment of value of property in excess of
35 twenty-five thousand dollars. The additional fee is due and

1 payable at the time of filing of the probate inventory or
2 initial report and shall be paid in full for the court to
3 enter an order approving the final report. The additional fee
4 shall not be applied to any property transferred to a
5 testamentary trust from an estate that has been administered
6 in this state and for which court fees have been assessed and
7 paid.

8 c. For certifying a change of title, twenty dollars.

9 Sec. 12. Section 631.6, subsection 1, paragraph c, Code
10 2005, is amended to read as follows:

11 c. Postage charged for the mailing of original notice
12 shall be ~~eight~~ ten dollars.

13 Sec. 13. Section 633.31, Code 2005, is amended to read as
14 follows:

15 633.31 CALENDAR -- FEES IN PROBATE.

16 1. The clerk shall keep a court calendar, and enter
17 thereon such matters as the court may prescribe.

18 2. The clerk shall charge and collect ~~the following~~ fees
19 in connection with probate matters pursuant to section
20 602.8105, which shall be deposited in the account established
21 under section 602.8108.

22 ~~a. -- For services performed in short form~~
23 ~~probates pursuant to sections 450.22 and 450.44 ----- \$-15.00~~

24 ~~b. -- For services performed in probate of will~~
25 ~~without administration ----- \$-15.00~~

26 ~~c. -- For filing and indexing a transcript~~
27 ~~----- \$-5.00~~

28 ~~d. -- For taking and approving a bond, or the~~
29 ~~sureties on a bond ----- \$-20.00~~

30 ~~e. -- For entering a rule or order ----- \$-10.00~~

31 ~~f. -- For certificate and seal ----- \$-10.00~~

32 ~~g. -- For making a complete record where real~~
33 ~~estate is sold ----- per 100 words ----- \$-20~~

34 ~~h. -- For making a transcript or copies of~~
35 ~~orders or records filed in the clerk's~~

1 office-----per-100-words-----\$---.50
 2 i.--For-certifying-change-of-title-----\$-20.00
 3 j.--For-issuing-commission-to-appraisers-----\$--2.00
 4 k.--For-other-services-performed-in-the-settlement-of-the
 5 estate-of-any-decedent, minor, person-with-mental-illness, or
 6 other-persons-laboring-under-legal-disability, except-where
 7 actions-are-brought-by-the-administrator, guardian, trustee,
 8 or-person-acting-in-a-representative-capacity-or-against-that
 9 person, or-as-may-be-otherwise-provided-herein, where-the
 10 value-of-the-personal-property-and-real-estate-of-such-a
 11 person-falls-within-the-following-indicated-amounts, the-fee
 12 opposite-such-amount-shall-be-charged.

13 Up-to-\$3,000.00-----\$--5.00
 14 3,000.00-to--5,000.00-----\$-10.00
 15 5,000.00-to--7,000.00-----\$-15.00
 16 7,000.00-to-10,000.00-----\$-20.00
 17 10,000.00-to-15,000.00-----\$-25.00
 18 15,000.00-to-25,000.00-----\$-30.00
 19 For-each-additional-\$25,000.00-or-major
 20 fraction-thereof-----\$-25.00

21 l.--For-services-performed-in-small-estate
 22 administration-----\$-15.00
 23 3.--The-fee-set-forth-in-subsection-2, paragraph-"k", shall
 24 not-be-charged-on-any-property-transferred-to-a-testamentary
 25 trust-from-an-estate-that-has-been-administered-in-this-state
 26 and-for-which-court-costs-have-been-assessed-and-paid.

EXPLANATION

28 This bill relates to the judicial branch, including the
 29 assessment of court fees and costs.
 30 The bill authorizes the court to assess a filing fee and
 31 court costs to a respondent ordered to pay child support in an
 32 enforcement action brought by the state if the state prevails
 33 in the action.
 34 The bill authorizes the court to assess costs of an action
 35 against an owner or driver, including a nonresident driver,

1 who was stopped and cited by a peace officer for failure to
2 provide proof of financial liability coverage but who later
3 produces proof that financial liability coverage was in effect
4 at the time the owner or driver was stopped and cited.

5 The bill provides a procedure for dismissing cases
6 involving the licensure of a motor carrier owner or driver
7 consistent with procedures for dismissing similar licensure
8 violations in Iowa.

9 The bill increases the fee for filing a hospital lien from
10 \$10 to \$20. This fee is consistent with the fees charged for
11 all other statutory liens.

12 The bill increases the maximum annual deposit amount for
13 the enhanced court collections fund from \$4 million to \$6
14 million.

15 The bill creates a \$50 fee for filing and docketing a
16 transcript of the judgment in a civil case.

17 The bill eliminates fees charged for certain probate
18 services associated with small estates, guardianships, and
19 conservatorships and revises filing fees associated with the
20 value of the estate. The clerk of the district court is
21 directed to deposit such fees collected in the account
22 established in Code section 602.8108.

23 The bill increases the amount charged for the mailing of a
24 an original notice in a small claims case from \$8 to \$10.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: January 26, 2006

RE: TLSB 5300DP

This bill would streamline and clarify certain court practices and procedures used in the clerk of district court offices, including the assessment of court fees and costs.

When the state brings an action to enforce child support, under current law the filing fee and court costs are waived. Section 1 of the bill would authorize the court to assess these fees and court costs against the respondent in the event the state prevails.

The proposed amendments to Iowa Code section 321.20B relate to the criminal offense of driving a motor vehicle without liability insurance. Current law provides that the owner or driver issued a citation for failing to have proof of insurance coverage may have the case dismissed by presenting proof of coverage to the clerk of court prior to their scheduled court appearance. The language proposed in sections 3 and 4 of the bill merely clarifies that the court costs in such cases are assessed against the defendant. This will make the law easier to understand and administer. Similar changes are proposed to sections 321.174 and 327B.1 regarding failure to have a valid driver's license and failure to have proper evidence of interstate authority.

Over the years the Judicial Branch has used information technology to achieve substantial operational efficiencies for itself and state and local government, expand public access to the courts, and improve court services. The Judicial Branch is ready to revolutionize the way it gathers, stores, and retrieves information through electronic filing and document management. But a project of this magnitude requires a substantial investment of resources. A significant portion of both the Enhanced Court Collections Fund and the Court Technology Fund are now devoted to on-going operations leaving limited resources for new innovations and programs. For this reason, section 8 of the proposed bill recommends the legislature raise the current cap on the Enhanced Court Technology Fund to provide sufficient funds for electronic filing and document management as well as other innovations to come.

Sections 7 and 10 of the bill equalize the fee for filing a lien at \$20. Section 9 of the bill establishes a fee for filing a transcript of judgment in a civil case. Filing a transcript of judgment is a labor intensive procedure for which the state should charge a separate fee.

Sections 11 and 13 of the bill streamline court costs and fees in probate matters by replacing a variety of separate fees with a flat filing fee. This will be more convenient for representatives and their attorneys because the amount is easy to determine and payable at the front end of the proceeding. This change will be easier and less expensive for clerks to calculate, record and collect. In addition, this change will reduce the incidents of fiduciaries who neglect to pay any court fees. The change appears to be nearly revenue neutral based upon a sample of estates. For consistency, the amendments move the fee provisions from the probate chapter to the section of the Code devoted to court fees and costs.

Section 12 of the bill raises the amount charged by the clerk for serving a small claims case by mail. This increase will cover postal rate increases as well as ensure that the fee covers actual costs.